IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

LA UNIÓN DEL PUEBLO ENTERO, et al.,	§	
Plaintiffs,	§ §	
v.	§ §	Civil Action No: 5:21-cv-00844-XR
GREGORY W. ABBOTT, et al.,	§ §	
Defendants.	§ §	
	§	
	§	
	§	

<u>DEFENDANT LISA WISE'S RESPONSES AND OBJECTIONS TO RULE 26(a)(3)</u> <u>PRETRIAL DISCLOSURES</u>

Defendant El Paso County Elections Administrator Lisa Wise, pursuant to Rule 26(a)(3) of the Federal Rules of Civil Procedure, the Second Amended Scheduling Order entered on March 30, 2023 (ECF No. 579), and the Advisory Extending Deadline to File Responses and Objections to Rule 26(a)(3) Pretrial Disclosures (ECF No. 699), hereby responds and objects, as explained herein, to the Rule 26(a)(3) pretrial disclosures of HAUL Plaintiffs (ECF No. 690), LULAC Plaintiffs (ECF No. 689), and the United States (ECF No. 684).

Defendant Wise expressly reserves the right to assert additional objections to any party's Rule 26(a)(3) pretrial disclosures if those disclosures are amended or otherwise revised. Defendant Wise further reserves the right to counter-designate additional or different deposition testimony to the extent any party designates further or different deposition testimony by Ms. Wise.

Designations that Do Not Incorporate Deposition Errata

Certain of the parties' designations of Defendant Wise's deposition testimony, as indicated below, did not expressly incorporate corrections made by Defendant Wise's deposition errata.

Defendant Wise refers the Court and all parties to the deposition transcript errata sheets for her April 13, 2022 30(b)(6) deposition, April 14, 2022 30(b)(1) deposition, and April 18, 2023 30(b)(6) deposition, which are attached hereto as Exhibits A, B, and C, respectively. The parties' designations indicated below should be amended to reflect the errata.

Objections to HAUL Plaintiffs' Deposition Designations

HAUL Plaintiffs' Designations	Defendant Wise's Objection(s)	Counter-Designations / Testimony to include for completeness under FRE 106	Sustained / Overruled
(April 13, 2022)			
1:15-25			
183:23-184:3		183:7-22	

Objections to LULAC Plaintiffs' Deposition Designations

LULAC Plaintiffs' Designations	Defendant Wise's Objection(s)	Counter-Designations / Testimony to include for completeness under FRE 106	Sustained / Overruled
(April 14, 2022)			
14:3-19:3			
45:16-48:11			
89:2-98:25		78:20-79:2	
		See errata (Exhibit B) re: 90:6-7, 98:4-5	
100:3-106:16		99:20-100:2	
		See errata (Exhibit B) re: 101:4-5	
156:23-159:14			
167:7-23			
198:19-200:14			
212:16-20			

LULAC Plaintiffs' Designations	Defendant Wise's Objection(s)	Counter-Designations / Testimony to include for completeness under FRE 106	Sustained / Overruled
(April 18, 2023)			
13:1-14:3			
91:20-92:16		See errata (Exhibit C) re: 92:7-8	
94:1-95:19		93:9-25	
		See errata (Exhibit C) re: 94:25, 95:7-10, 95:18	
97:15-22		10,70.10	
109:15-110:25			

Objections to the United States' Deposition Designations

United States' Designations (April 13, 2022)	Defendant Wise's Objection(s)	Counter-Designations / Testimony to include for completeness under FRE 106	Sustained / Overruled
, 2			
11:3-4			
11:7-12			
12:23-13:2			
32:12-33:11			
71:8-21		See errata (Exhibit A) re: 71:11-13	
77:22-78:14		See errata (Exhibit A) re: 78:12	
117:12-22			
117:23-118:21			
119:15-120:1			
120:13-121:13			
122:14-123:2			
127:20-128:8			
128:16-129:6			
131:3-22			
133:14-134:11			
139:1-8			
142:13-143:16			
146:20-147:20			
147:25-148:14			
149:4-7			

United States' Designations	Defendant Wise's Objection(s)	Counter-Designations / Testimony to include for completeness under	Sustained / Overruled
(April 13, 2022)		FRE 106	
150:11-151:4			
151:9-25			
153:20-154:3		152:14-153:5	
161:5-20			
161:21-162:9			
174:7-24			
207:24-208:3			
212:3-10			

United States' Designations	Defendant Wise's Objection(s)	Counter-Designations / Testimony to include for completeness under FRE 106	Sustained / Overruled
(April 14, 2022)			
9:10-17			
9:25-10:1			
13:16-14:20			
15:11-15			
33:2-35:5			
39:1-20			
45:16-46:4			
46:5-17			
99:1-16		78:20-79:2	
99:17-100:17			
100:18-102:9		See errata (Exhibit B) re: 101:4-5	
102:10-14			
105:6-106:14			
107:15-110:1			
110:2-20			
111:6-19			
112:8-114:25			
115:1-6			
115:7-116:17			
117:7-118:2			
118:3-12			
136:11-16			

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United States' Designations (April 14, 2022)	Defendant Wise's Objection(s)	Counter-Designations / Testimony to include for completeness under FRE 106	Sustained / Overruled
136:17-22			
139:17-24			
242:19-243:11			
247:4-12			

United States' Designations	Defendant Wise's Objection(s)	Counter-Designations / Testimony to include for completeness under FRE 106	Sustained / Overruled
(April 18, 2023)			
7:6-8			
7:15-21			
12:4-25		See errata (Exhibit C) re: 12:16-22	
13:1-25			
36:19-37:8		See errata (Exhibit C) re: 37:7	
39:23-40:15			
43:3-13			
50:21-52:5		See errata (Exhibit C) re: 51:16	
56:2-19			
58:11-23		See errata (Exhibit C) re: 58:14 ("8,866, excluding FPCA and including ballots received late, and 8,017 excluding both FPCA and ballots received late") See errata (Exhibit C) re: 58:21 ("8,103, including FPCA, and 7,859 not including FPCA") See errata (Exhibit C) re: 58:23 ("158 were rejected for reasons other than untimeliness")	
59:12-60:9		54:19-24 See errata (Exhibit C) re: 60:3-4	
60:23-61:16		See that (Emilie C) 10. 00.5 1	
65:12-25			

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United States' Designations	Defendant Wise's Objection(s)	Counter-Designations / Testimony to include for completeness under FRE 106	Sustained / Overruled
(April 18, 2023)			
79:19-80:7			
89:12-90:3			
93:9-94:8			
94:14-95:16		See errata (Exhibit C) re: 94:25, 95:7-10	
97:10-22			
97:23-99:1		See errata (Exhibit C) re: 98:14	
99:2-6			
105:1-23		See errata (Exhibit C) re: 105:11	
106:2-18		See errata (Exhibit C) re: 106:10-11	
109:1-6			
109:7-14			
109:15-22			
109:23-110:4			
110:5-11			
110:12-18			
110:19-25			
112:6-21			
120:9-121:14		See errata (Exhibit C) re: 121:2, 9	
124:7-125:22		See errata (Exhibit C) re: 125:14	
126:4-127:18			
129:10-131:1		See errata (Exhibit C) re: 129:19	
132:23-133:1			
133:8-134:17		See errata (Exhibit C) re: 134:3-4	
135:9-18			
137:22-139:2		See errata (Exhibit C) re: 138:24-25	
139:16-140:1			
149:16-25			

Dated: August 15, 2023

/s/ Kathleen Hartnett

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Attorneys for Defendant Lisa Wise, in her official capacity as the El Paso County Elections Administrator

CERTIFICATE OF SERVICE

I certify that on August 15, 2023, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of this filing to counsel of record.

/s/ Kathleen Hartnett
Kathleen Hartnett